

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

UNITED STATES OF AMERICA,  Plaintiff,   vs.  MANUEL BERNAL NORIEGA,  Defendant.	MEMORANDUM DECISION AND ORDER ON PENDING MOTIONS AND EXCLUDING TIME   Case No. 2:04-CR-524 TS
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This matter came before the Court on July 14, 2006, for argument on the legal issues raised by Defendant's Motion to Compel Evidence and Motion to Suppress In-Court Identification of Defendant. Counsel represented that the Motion to Suppress In-Court Identification of Defendant has been resolved, and withdrawn, and that all issues in the Motion to Compel have been resolved except those relating to the request for disclosure of information regarding the Confidential Source (CS). Defendant's counsel represented that the only information he now seeks regarding the CS is the nature of any benefit to him and that he does not seek disclosure of the CS's identity. For the reasons stated at the

hearing, the Court finds that Defendant has met his burden of demonstrating a need for disclosure.<sup>1</sup>

The Court finds that the failure to continue trial until September would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by continuing the trial in this matter outweigh the interest of the public and Defendant in a speedy trial. It is therefore

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(8)(h)(A), the time from July 10, 2006, to the date of the new trial on September 25, 2006, is excluded from the computation of the time within which the trial must commence pursuant to the Speedy Trial Act. It is further

ORDERED that Defendant's Motion to Suppress In-Court Identification of Defendant (Docket No. 25) is DENIED as moot. It is further


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<sup>1</sup>See *Roviaro v. United States*, 353 U.S. 53, 58 (1957) and *United States v. Martinez*, 979 F.2d 1424, 1426 (10th Cir. 1992) (factors to be considered in determining if a defendant has demonstrated the need for disclosure).

ORDERED that the Defendant's Motion to Compel disclosure of information regarding the Confidential Source (Docket No. 24) is GRANTED and the government shall disclose the nature of any benefit to the Confidential Source.

DATED July 17, 2006.

BY THE COURT:



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TED STEWART  
United States District Judge